

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUEBEN ROBERTS,

Petitioner,

No. CIV S 04-2232 MCE PAN P

vs.

TOM L. CAREY, et al.,

Respondents.

ORDER

Petitioner has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Petitioner has also requested an extension of time to file and serve an opposition to respondents’ January 30, 2006, motion to dismiss.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Petitioner’s March 6, 2006, motion for appointment of counsel is denied without prejudice to a renewal of the motion at a later stage of the proceedings;

1                   2. Petitioner's March 6, 2006, motion for an extension of time is granted; and

2                   3. Petitioner is granted 30 days from the date of this order in which to file and  
3 serve an opposition to respondents' January 30, 2006, motion to dismiss. Respondents' reply, if  
4 any, shall be filed 20 days thereafter.

5 DATED: April 7, 2006.

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8 UNITED STATES MAGISTRATE JUDGE

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